

BEFORE THE MARYLAND HEALTH CARE COMMISSION

IN THE MATTER OF)

APPLICATION OF SUBURBAN)
HOSPITAL FOR A LIVER)
TRANSPLANT SERVICE)

Docket No. 17-15-2400)

**MEDSTAR FRANKLIN SQUARE MEDICAL CENTER’S CONDITIONAL MOTION
FOR STAY OF CERTIFICATE OF NEED REVIEW OF SUBURBAN HOSPITAL’S
APPLICATION FOR ESTABLISHMENT OF A LIVER TRANSPLANTATION
SERVICE**

MedStar Franklin Square Medical Center (“MFSMC”), through undersigned counsel and pursuant to COMAR § 10.24.01.01 *et seq.*, hereby conditionally moves to stay Certificate of Need (“CON”) review of the application of Suburban Hospital (“Suburban”) for a liver transplantation service at Suburban Hospital in Bethesda, Maryland.

On October 15, 2018, the University of Maryland Medical Center (“UMMS”) filed a Motion for Stay of the Certificate of Need Review process (the “Motion”) as to MFSMC’s application for a kidney and liver transplant facility services in Maryland Health Care Commission Docket Nos. 17-03-2405 and 17-03-2406. The premise of the Motion is that a pending change in the kidney and liver allocation policies by the Organ Procurement Transplant Network (“OPTN”) as implemented by its contract with the United Network for Organ Sharing (“UNOS”) policy will render “obsolete” the existing Donation Service Area (“DSA”) as a basis for organ allocation, and render moot any justification for MFSMC’s programs. *See generally* Motion at 10-13.

In a concurrent filing today, MFSMC has opposed that Motion, contending that pending changes to organ allocation policies do not justify an indefinite stay of CON review for its transplantation service applications, or indeed for any such applications. Nevertheless, and out of an abundance of caution, MFSMC files this request to stay CON review of Suburban's application for a liver transplantation service at Suburban Hospital, if and only if the Commission determines that UMMS's motion to stay should be granted. Simply put, if the Commission determines that the pendency of a change in liver allocation policies require a stay of CON applications until new policies can be proposed, implemented and evaluated, then all pending applications for transplantation services should be stayed.

Accordingly, MFMSC respectfully requests that if the Commission decides to grant the UMMS motion and stay CON review of MFSMC's transplantation service applications, it also stay CON review of Suburban's application in this proceeding.

Respectfully submitted,



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November 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2018, a copy of the foregoing Motion was served by e-mail and first class mail on:

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